

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Notice of Intended Action

Proposing rule making related to blood, bone marrow, and living organ donation leave for state employees and providing an opportunity for public comment

The Administrative Services Department hereby proposes to amend Chapter 63, "Leave," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 8A.104, 8A.413(20), 17A.3 and 17A.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 70A.39 as amended by 2021 Iowa Acts, Senate File 336.

Purpose and Summary

These proposed amendments update Chapter 63, "Leave," to comport with changes to the Iowa Code made by 2021 Iowa Acts, Senate File 336, which relates to the blood, bone marrow, and living organ donation incentive program for state employees. These amendments are proposed to update terms to align with this legislation. In addition, they include procedures appointing authorities may take to ensure adequate staffing in the event of blood donation requests.

Fiscal Impact

A fiscal impact cannot be determined because it is impossible to know how many state employees will elect to donate blood and how often. In addition, the Department cannot predict how often or how many employees will donate bone marrow or a living organ and thus cannot estimate the total amount of leave taken from work.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

The Department will not grant waivers under the provisions of these rules, other than as may be allowed under Chapter 9 of the Department's rules concerning waivers.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on November 9, 2021. Comments should be directed to:

Tami Wiencek
Department of Administrative Services
Hoover State Office Building
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Phone: 515.725.2017
Fax: 515.281.6140
Email: tami.wiencek@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 9, 2021
10 to 11 a.m.

Procurement Conference Room, A Level
1305 East Walnut Street
Hoover State Office Building
Des Moines, Iowa
Or via conference call:
Dial: 1.866.685.1580
Conference code: 0009991200

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend rule 11—63.20(8A,70A) as follows:

11—63.20(8A,70A) ~~Bone~~ Blood, bone marrow, and living organ donation leave. Employees, excluding employees covered by a collective bargaining agreement that provides otherwise, shall be granted leave pursuant to Iowa Code section 70A.39 as amended by 2021 Iowa Acts, Senate File 336. An employee who is granted a leave of absence under Iowa Code section 70A.39 as amended by 2021 Iowa Acts, Senate File 336, shall receive leave without loss of seniority, pay, vacation time, personal days, sick leave, insurance and health coverage benefits, or earned overtime accumulation. To ensure adequate staffing, an appointing authority may require employees to request leave, in advance, to serve as a voluntary blood donor pursuant to Iowa Code section 70A.39(2)“c” as enacted by 2021 Iowa Acts, Senate File 336. An employee who requests leave to serve as a voluntary blood donor pursuant to Iowa Code section 70A.39(2)“c” as enacted by 2021 Iowa Acts, Senate File 336, may be denied such leave by the appointing authority if granting the leave would unreasonably impact the operational efficiency of the agency. The employee shall be compensated at the employee's regular rate of pay for those regular work hours during which the employee is absent from work. An employee deemed to be on leave under Iowa Code section 70A.39 as amended by 2021 Iowa Acts, Senate File 336, shall not be deemed to be an employee of the state for purposes of workers' compensation or for purposes of the Iowa tort claims Act, Iowa Code chapter 669.